

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 PATRICIA C. MORAN,) Case No.: 5:13-CV-04981-LHK
12 v. Plaintiff,)
13 GMAC MORTGAGE, LLC, et al.,) ORDER TO SHOW CAUSE WHY CASE
14 Defendants.) SHOULD NOT BE DISMISSED FOR
15) FAILURE TO PROSECUTE

16 Plaintiff Patricia Moran filed her complaint in state court on September 4, 2013, which
17 Defendants then removed to federal court on October 25, 2013. *See* ECF No. 1. On November 1,
18 2013, Defendants filed a Motion to Dismiss. *See* ECF No. 7. In their motion, Defendants primarily
19 contend that *Jenkins v. JP Morgan Chase Bank, N.A.*, 216 Cal. App. 4th 497 (2013), forecloses
20 Plaintiff's principal claims. *See id.* Defendants also provide other arguments for dismissal unique
21 to each of Plaintiff's nine claims. *See id.* Pursuant to Civil Local Rule 7-3(a), Plaintiff's opposition
22 to Defendants' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, was due
23 on November 15, 2013. As of today, March 10, 2014, Plaintiff has not filed an opposition or
24 statement of non-opposition to Defendants' Motion to Dismiss. Pursuant to Civil Local Rule 7-
25 1(b), the Court vacates the March 27, 2014 hearing on Defendants' Motion to Dismiss.
26

27 In light of Plaintiff's failure to timely oppose Defendants' Motion, the Court ORDERS
28 Plaintiff to show cause why this case should not be dismissed for failure to prosecute under Federal

1 Rule of Civil Procedure 41(b). This Order does not authorize Plaintiff to file an untimely
2 opposition to the Motion to Dismiss. **Plaintiff has until March 21, 2014 to file a response to this**
3 **Order to Show Cause.** A hearing on this Order to Show Cause is set for **Thursday, March 27,**
4 **2014 at 1:30 p.m.** Plaintiff's failure to respond to this Order and to appear at the March 27, 2014
5 hearing will result in dismissal with prejudice for failure to prosecute.

6
7 **IT IS SO ORDERED.**

8
9 Dated: March 10, 2014

Lucy H. Koh
LUCY H. KOH

United States District Court
For the Northern District of California